

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL PHELPS,

Plaintiff,

v.

MANUEL PEREZ, *et al.*,

Defendants.

Case No.: 1:21-cv-01108-BAM (PC)

ORDER DENYING *IN FORMA PAUPERIS*
APPLICATION WITHOUT PREJUDICE
(ECF No. 2)

ORDER TO SUBMIT PRISONER
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS OR PAY FILING FEE WITHIN
FORTY-FIVE (45) DAYS

Plaintiff Paul Phelps ("Plaintiff") is a county jail inmate proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. Plaintiff filed this action on July 22, 2021, (ECF No. 1), together with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, (ECF No. 2).

Plaintiff's application is incomplete. Although Plaintiff has signed the application, Plaintiff has failed to submit a certified copy of his trust account statement. Plaintiff must submit a completed form and a certified copy of his trust account statement if he wishes for the application to be considered.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 2) is DENIED, without prejudice;
2. The Clerk of the Court is directed to serve this order and a blank *in forma pauperis* application for a prisoner on Plaintiff;
3. Within **forty-five (45) days** from the date of service of this order, Plaintiff shall file the attached application to proceed *in forma pauperis*, completed and signed, including a certified copy of his trust account statement for the past six months, or in the alternative, pay the \$402.00 filing fee for this action;
4. No extension of time will be granted without a showing of good cause; and
5. **Plaintiff is warned that the failure to comply with this order will result in dismissal of this action, without prejudice.**

IT IS SO ORDERED.

Dated: August 2, 2021

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE